

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

DUSTIN MITCHELL, on Behalf of Himself	§	
and on Behalf of All Others Similarly Situated,	§	
Plaintiff,	§	
	§	
vs.	§	CIVIL ACTION NO. 4:21-cv-03100
	§	
	§	
KESTREL FIELD SERVICES, INC.,	§	
Defendant.	§	

**AGREED MOTION TO DISMISS WITH PREJUDICE**

Under Federal Rule of Civil Procedure 41(a)(1)(A)(ii), the parties, Plaintiff Dustin Mitchell (“Mitchell”) and Defendant Kestrel Field Services, Inc. (“Kestrel”) (collectively, the “Parties”), move to dismiss this case. On November 5, 2021, this Court granted the Parties’ Joint Motion to Stay and ordered them to arbitrate. Mitchell filed a demand for individual arbitration with the American Arbitration Association on January 7, 2021.

The Parties have settled Mitchell’s claims, which related to a bona fide dispute regarding overtime payments under the Fair Labor Standards Act (“FLSA”). The Parties agree the settlement they reached is reasonable and fair and that they have been advised by experienced counsel in reaching their settlement. *See generally Martin v. Spring Break ’83 Productions, LLC*, 688 F.3d 247, 255-56 (5th Cir. 2012). Mitchell has voluntarily dismissed his arbitration against Kestrel. The Parties therefore ask this Court to dismiss this lawsuit, with prejudice.

Respectfully and jointly submitted,

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*Attorneys for Defendant  
Kestrel Field Services, Inc.*

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that counsel of record who are deemed to have consented to electronic service are being served with a copy of the foregoing via the Court's CM/ECF system on March 31, 2022.

/s/ William M. Hogg  
William M. Hogg